



## **EXCELSIA CAPITAL (PTY) LTD**

**(FSP No. 46756, Company Reg No. 2015/131328/07)**

### **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

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## 1. INTRODUCTION

- 1.1. Excelsia Capital (Pty) Ltd (“Excelsia”) is an authorised financial services provider (“FSP”) in terms of the Financial Advisory & Intermediary Services Act and regulated by the Financial Sector Conduct Authority (“FSCA”). The FSP number is 46756.
- 1.2. Excelsia is a Category II FSP providing discretionary investment management services to institutional clients.

## 2. COMPANY CONTACT DETAILS (Section 51(1)(a))

- 2.1. Information Officer: Derek McDonald
- 2.2. Postal Address: Office 303, Sunclare Building, 21 Dreyer Street, Claremont, 7708, Cape Town
- 2.3. Street Address: Office 303, Sunclare Building, 21 Dreyer Street, Claremont, 7708, Cape Town
- 2.4. Telephone Number: +27 21 276 1740
- 2.5. Email: [info@excelsia.co.za](mailto:info@excelsia.co.za)
- 2.6. Website: [www.excelsia.co.za](http://www.excelsia.co.za)

## 3. ACCESS TO RECORDS (Section 51(1)(b))

- 3.1. The Promotion of Access to Information Act (“PAIA”), grants a requester access to certain records of a private body if the said records are required to exercise or protect any rights of the requester. Should a public body lodge such a request, it must be acting in the public interest.
- 3.2. Any request for information in terms of PAIA, must be made in accordance with the prescribed form and manner, at the rates provided. The prescribed form and manner and the tariff are dealt with in section 6 and 7.
- 3.3. The Information Regulator (South Africa) has complied and published a useful guide in terms of section 10 of PAIA, containing valuable information for the purposes of exercising any right in terms of PAIA and the Protection of Personal Information Act (POPIA).
- 3.4. The guide is made available in all official languages on the website of the Information Regulator at <https://inforegulator.org.za/paia-guidelines/>.

3.5. The contact details of the Information Regulator are as follows:

Postal Address: : Private Bag 31533, Braamfontein, Johannesburg, 2017

Telephone Number : 010 023 5241

Email : [enquiries@infoeregulator.org.za](mailto:enquiries@infoeregulator.org.za)

Website : <https://infoeregulator.org.za/>

#### **4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51(1)(c))**

- 4.1. Basic Conditions of Employment Act, 75 of 1997
- 4.2. Companies Act, 71 of 2008
- 4.3. Compensation for Occupational Injuries and Health Diseases Act, 130 of 1993
- 4.4. Copyright Act, 98 of 1978
- 4.5. Employment Equity Act, 55 of 1998
- 4.6. Employment Equity Act, 55 of 1998
- 4.7. Financial Advisory and Intermediary Services Act, 37 of 2002
- 4.8. Financial Intelligence Centre Act, 38 of 2001
- 4.9. Income Tax Act, 95 of 1967
- 4.10. Labour Relations Act, 66 of 1995
- 4.11. Occupational Health & Safety Act, 85 of 1993
- 4.12. Skills Development Act, 9 of 1999
- 4.13. Unemployment Insurance Act, 63 of 2001
- 4.14. Value Added Tax Act, 89 of 1991

#### **5. SCHEDULE OF RECORDS (Section 51 (1)(d))**

5.1. Records that are available without having to submit a request in terms of PAIA:

5.1.1. Marketing material.

5.2. Records that must be requested in terms of PAIA:

5.2.1. Memorandum of Incorporation.

5.2.2. Minutes of Board of Directors meetings.

- 5.2.3. Records relating to the appointment of directors/ auditor/secretary/public officer and other officers.
- 5.2.4. Share Register and other statutory registers.
- 5.2.5. Shareholders' agreements.
- 5.2.6. Annual Financial Statements.
- 5.2.7. Tax returns.
- 5.2.8. Accounting records.
- 5.2.9. Banking records.
- 5.2.10. Asset register.
- 5.2.11. Rental agreements.
- 5.2.12. Invoices.
- 5.2.13. PAYE records.
- 5.2.14. Documents issued to employees for income tax purposes.
- 5.2.15. Records of payments made to SARS on behalf of employees.
- 5.2.16. Regional Services Levies.
- 5.2.17. Skills Development Levies.
- 5.2.18. UIF.
- 5.2.19. Employment contracts.
- 5.2.20. Employment Equity Plan.
- 5.2.21. Medical aid records.
- 5.2.22. Disciplinary records.
- 5.2.23. Salary records.
- 5.2.24. Disciplinary code.
- 5.2.25. Leave records.
- 5.2.26. Training records.
- 5.2.27. Internal policies and procedures.
- 5.2.28. Client related information, including transactional records.

- 5.2.29. Internal correspondence.
- 5.2.30. Information technology and databases.
- 5.2.31. Operational records.
- 5.2.32. Records relating to products and services.

## 6. FORM OF A REQUEST FOR INFORMATION (Section 51(1)(e))

- 6.1. A requester must use the prescribed form to request access to the information as per 5.2. above. The following forms should be used:



InfoRegSA-PAIA-Form  
2-Reg7.pdf



InfoRegSA-PAIA-Form  
3-Reg8.pdf

- 6.2. All forms are also available for download from the Information Regulator's website at <https://inforegulator.org.za/paia-forms/>.
- 6.3. The request must be addressed to the responsible person as indicated in section 2.
- 6.4. The requester must provide sufficient detail on Form 2 to enable the contact person of the company to establish who is requesting the said information as well as what information is being requested and in what format.
- 6.5. The requester must provide sufficient detail in respect of his/her contact details and if the requester wishes to be informed of the decision of the company in any manner (in addition to written) the manner and particulars thereof.
- 6.6. Lastly, the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 6.7. After the company has decided on the request, the requester must be notified in the required form.
- 6.8. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hour to search and prepare the record for disclosure.

## 7. PRESCRIBED FEES (Section 51(1)(f))

- 7.1. A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee.

- 7.2. Every other requester, who is not a personal requester, must pay the required request fee, as prescribed from time to time.
- 7.3. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4. Records may be withheld until the fees have been paid.
- 7.5. Refer to Form 3 in section 6.1 above for the relevant fees.

**8. AVAILABILITY OF THE MANUAL (Section 51(3))**

- 8.1. This manual is available for inspection at the offices of the company free of charge upon prior arrangement with the said contact person of the company as per section 2.
- 8.2. A copy is also made available on the website of the company.

**Issued by:**

Derek McDonald

Information Officer and Chief Operating Officer